

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE CENTER FOR INVESTIGATIVE
REPORTING and WILL EVANS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
LABOR,

Defendant.

) Case No. 22-cv-07182-WHA

) **SUPPLEMENTAL DECLARATION OF JACK**
) **JASINOWSKI IN SUPPORT OF DEFENDANT**
) **DEPARTMENT OF LABOR’S MOTION FOR**
) **SUMMARY JUDGMENT**

I, Jack Jasinowski, state as follows:

1. In support of the United States Department of Labor’s Motion for Summary Judgment in the above captioned matter, with personal knowledge of the matters below and competent to testify, I submit the following Supplemental Declaration.

2. Brandenburg has a business credit file with Dun & Bradstreet (D&B) and annually shares Company financial information with D&B for Brandenburg’s business credit score and rating.

3. I have reviewed the twenty-three page OneStop Report for Brandenburg Industrial Service Company (“OneStop Report”) provided by D&B Hoovers that is referenced in Paragraph 28 of Marc Bendick Jr.’s Declaration (“Bendick Declaration”) in Opposition to Defendant’s Motion for Summary Judgment and In Support of Plaintiffs’ Cross Motion for Summary Judgment.

4. The OneStop report includes accurate Company financial information provided by Brandenburg on pages 3 and 14 (*e.g.*, Brandenburg’s “Sales” and “Total Assets”).

5. The majority of the remaining Company information included in the OneStop Report was not provided to D&B by Brandenburg and is not accurate.

6. Paragraph 28 of the Bendick Declaration states that the OneStop Report includes “counts of employees at the firm’s three separate operating locations (more detailed information than the

1 company-wide employment total in its Type 2 Consolidated EEO-1 Report).” However, the OneStop
2 Report does not, in fact, include employee counts at three Brandenburg locations, nor is that information
3 that Brandenburg has shared with D&B. Instead, Page 3 of the Report purports to list the number of
4 employees at the headquarters location only (and the stated number is not correct). Page 3 of the
5 OneStop Report also states that Brandenburg has 750 “Total” employees, which also is not accurate. As
6 noted in Paragraph 3 of my previous declaration, Brandenburg has more than 800 union and non-union
7 employees, nationwide.

8 7. Paragraph 28 of the Bendick Declaration states that the OneStop Report includes “an
9 organization chart for the firm identifying which departments worked on which product lines.” To the
10 contrary, the OneStop Report does not include an organizational chart or any “department” information,
11 and that is not information that Brandenburg has shared with D&B. The “Corporate Family”
12 information listed on page 12 of the OneStop Report does not reflect Brandenburg’s seven locations, as
13 accurately reflected on its website (<https://www.brandenburg.com/Location.aspx>). Further, Brandenburg
14 does not have any “product lines.”

15 8. Paragraph 28 of the Bendick Declaration states that the OneStop Report includes “names,
16 job titles, locations, telephone numbers, and recently-verified email addresses for 124 key employees,”
17 which is also not accurate. Pages 6-10 of the OneStop Report display 25 “Site Contacts” with contact
18 information, however, 10 of the individuals listed (40%) are not current Brandenburg employees.
19 Further, the individuals listed on pages 6-10 of the OneStop Report are not considered Brandenburg’s
20 “key employees.”

21 9. Paragraph 28 of the Bendick Declaration states that the OneStop Report includes “lists of
22 the firm’s closest competitors classified by location, size, and product line.” Pages 18-22 purport to
23 include a list of Brandenburg’s “Closest Industry Peers,” but none of the twenty-five listed companies is
24 a competitor of Brandenburg.

25 10. Finally, other inaccurate information contained in the OneStop Report includes that
26 Brandenburg’s industry is “Waste Management” and its “Plant/Facility Size” is 13,362 square feet
27 (OneStop Report, pgs. 3, 4). Both statements are not accurate and are not information Brandenburg
28 supplied to D&B. Brandenburg is not in the “Waste Management” industry. As noted in Paragraph 5 of

1 my previous declaration, Brandenburg specializes in demolition and environmental remediation, which
2 includes asbestos abatement, hazardous material removal, soil remediation, asset recovery, and site
3 preparation.

4 11. In sum, other than the summary financial information Brandenburg supplied to D&B, the
5 OneStop Report does not contain accurate information and does not contain information that
6 Brandenburg supplied to D&B. Regardless, even if the information was accurate, the OneStop Report
7 does not include the sensitive, commercially valuable information contained in Brandenburg's EEO-1
8 Reports that the Company seeks to protect.

9 12. Contrary to the Bendick Declaration, the OneStop Report does not contain "more detailed
10 information than the company-wide employment total in its Type 2 Consolidated EEO-1 Report." First,
11 the OneStop Report does not include *any details* on the specific structure of Brandenburg's workforce.
12 Rather, the OneStop Report simply lists twenty-five "Site Contacts" with their purported job titles, all
13 listed with the same "Elmhurst, Illinois" office location and general office phone number ("312-326-
14 5800"). Further, as noted above, ten of the individuals listed are not current Brandenburg employees
15 and the individuals listed are not considered Brandenburg's "key employees."

16 13. By contrast, Brandenburg's Type 2 EEO-1 Reports provide a detailed breakdown of how
17 Brandenburg stratified its 800+ employee workforce, including how many leaders ("Executive/Sr
18 Officials & Managers" and "First/Mid Officials & Managers" EEO Categories) are required to oversee
19 Brandenburg's business functions, and how many employees in the other EEO-1 Occupational
20 Categories (Professionals, Technicians, Sales Workers, Administrative Support Workers, Craft Workers,
21 Operatives, Laborers and Helpers, and Service Workers) are required for Brandenburg to operate at peak
22 efficiency and effectiveness. In Brandenburg's industry, the EEO-1 stratification of its workforce would
23 be illuminative to competitors, because the EEO-1 categories correspond to fundamentally discrete
24 aspects of Brandenburg's operations (e.g., employees engaged in sales ("Sales Workers" EEO Category)
25 versus those that are out in the field servicing clients ("Craft Workers," "Operatives," "Laborers &
26 Helpers," "Technicians" and "Service Workers" EEO Categories). The OneStop Report does not
27 contain any of this sensitive, confidential information.

28 14. Second, the OneStop Report does not include any information on Brandenburg's staffing

1 and workforce trends. Disclosure of Brandenburg's year-over-year EEO-1 Reports from 2016-2020
2 would reveal the Company's staffing strategies and business evolution. The organization-wide
3 employment numbers contained in the Type 2 EEO-1 Reports specifically reflect Brandenburg's
4 judgment as to how it can best allocate its workforce to have a well-run, profitable, and efficient
5 business, and adjust to changing economic conditions, over the course of five years.

6 15. For example, Brandenburg's EEO-1 Reports reveal its ratio of Professionals (e.g.,
7 engineers) to trade employees (e.g., Craft Workers, Operatives, Service Workers and Laborers &
8 Helpers), and the overall ratio of its Officials and Managers to those Professionals and trade employees.
9 This year-over-year information -- when compared to Brandenburg's publicly available financial
10 information through D&B -- would provide commercially valuable information to Brandenburg's
11 competitors regarding the optimal employee ratios for financial success and growth.

12 16. In sum, disclosure of Brandenburg's EEO-1 Reports would provide information that is
13 not otherwise publicly available and could readily cause foreseeable harm to Brandenburg's economic
14 and business interests, by allowing competitors to analyze the Company's workforce trends over a five
15 year period.

16
17 I declare under penalty of perjury under the laws of the United States that the foregoing is true
18 and correct.

19 Executed this 8th day of November, 2023, at Elmhurst, Illinois.

20 Jack Jasinowski
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